

**U.S. Department of Justice**



*United States Attorney  
Southern District of New York*

86 Chambers Street  
New York, New York 10007

October 30, 2020

**VIA ECF**

The Honorable James L. Cott  
Daniel Patrick Moynihan  
United States Courthouse  
500 Pearl St.  
New York, NY 10007-1312

Re: *The New York Times Company et al., v. Customs and Border Protection*, 19 Civ. 9017 (JLC)

Dear Judge Cott:

This Office represents U.S. Customs and Border Protection (“CBP”) in the above-referenced Freedom of Information Act (“FOIA”) action. On behalf of the parties, we write to provide a status update in this action and propose a schedule for next steps in this case.

Plaintiffs and CBP have agreed that CBP need not conduct any further searches in response to Plaintiffs’ FOIA requests. Plaintiffs, however, informed CBP that they disagree with certain withholdings by CBP in response to the FOIA requests. Plaintiffs are in the process of identifying the specific withholdings that they intend to challenge. The parties have agreed to further meet and confer regarding these remaining disputed issues, which may narrow (or eliminate) the issues that may need to be resolved on cross-summary judgment motions. In light of these agreements, the parties propose the schedule set forth below. This proposed schedule accounts for an anticipated leave by the CBP counsel assigned to this case, who expects to be out of the office for the entirety of December.

- By December 15, 2020, Plaintiffs shall inform CBP in writing of: (1) any specific withholdings made by CBP that Plaintiff challenges; and (2) any specific exemptions invoked by CBP that Plaintiff challenges.
- By January 29, 2021, the parties shall file a joint status letter updating the Court regarding their attempts to resolve this action without need for Court intervention. In the event any disputes remain between the parties, this letter shall include a proposed schedule for summary judgment briefing.

The parties respectfully request that the Court so-order this schedule.

Thank you for your consideration of this matter.

Respectfully,

AUDREY STRAUSS  
Acting United States Attorney

By: /s/ Charles S. Jacob  
CHARLES S. JACOB  
Assistant United States Attorney  
86 Chambers Street, Third Floor  
New York, NY 10007  
Tel: (212) 637-2725  
Fax: (212) 637-2702  
charles.jacob@usdoj.gov

cc: Counsel of record (via ECF)